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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments, see remarks, filed 03 August 2009, with respect to the rejections under 35 U.S.C. 112 2nd paragraph have been fully considered and are persuasive. Therefore the rejections have been withdrawn.

2.   Applicant's arguments regarding the objections to the specification, rejections under 35 U.S.C. 112, first paragraph, rejections under 35 U.S.C. 102(e), and rejections under 35 U.S.C. 103(a) have been fully considered but they are not persuasive.

3.   Applicant stated:

> "Operating" the code on the computer downloading the web page + additional
> JavaScript is implied as understood within the art, since the generally understood
> behavior of a browser is to operate the code downloaded with the web page.

4.   The Examiner notes that since Applicant admits that operating the code on the computer downloading the web page + additional JavaScript **is implied** as understood within the art, it is clearly not supported by the specification. Thus the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention as laid out by 35 U.S.C. 112, first paragraph. In effect, since operating the code on the computer downloading the web page **is implied**, Applicant's specification cannot contain subject matter which was described in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

5.   Applicant also argued:

Although the Wagner invention itself does not teach including additional script within a web page, prior art methods noted in the Wagner Background section do. The Examiner cites to col. 3, lines 15-41 of the Wagner Background section in which a JAVA applet within an HTML file is executed by the browser to include a cookie command. There is no reason to believe, however, that these cookie commands are nothing more than standard cookie storing commands.

All tracking information is conducted at the web server. There is no mechanism within Wagner for allowing a third party to track the information (e.g. claim 2).

Standard cookies and cookie-setting processes do not operate cookie processing script on the web browsing data to obtain new cookie values (e.g. claim 1). Instead, cookie values are set in advance by a cookie server. Such values are not determined at the visitor computer, and such values are not set in consideration of the web browsing data obtained at the visitor computer via the data mining code. Features of the claim are thus missing from Wagner and thus the prior art of record. Reconsideration and removal of the rejection is respectfully requested.

6.   The Examiner respectfully disagrees. In col. 3, lines 15-41 and in col. 2, lines 32-

53, Wagner states:

For example, a **JAVA applet** may be imbedded in an HTML file, sent to a user's computer and executed by an interpreter in the browser without the user's knowledge. Such programs **may be used to gain unauthorized access to resources or data** on the **user's computer**. Additionally, these interpretive language programs may include cookie commands that **identify tracking data** as discussed above. (Emphasis added).

Other known methods of passing cookie data to a client program include using a **Javascript data object or a Javascript program** that accesses the "cookies.txt" file stored at the client computer. (Emphasis added).

7.   As shown above, Wagner clearly allows a third party to track the information on

the user's computer.

8.   Applicant further remarked:

The Examiner had previously held, in an Office Action dated May 18, 2007, that Bharat fails to teach the method of embedding data mining script within a web page and operating the data mining script on the client node. Bharat still fails this test, making rejection of the claims under § 102(e) inappropriate.

Claim 14 had been amended in a previous action to cite that the cookie
processing script is associated with a different domain than the web page--that
is, where the web page provider and the (web tracking) service provider are
different entities. Neither Bharat (or the old-cited l'Etraz) contemplate this feature.

9.   In view of the rejections under 35 U.S.C. 112, first paragraph and the lack of

evidence in the Applicant's disclosure that the claimed *data mining script* and *cookie*

processing script are distinct from one another, Bharat reads on the claimed invention.

Further more in col. 5, lines 53-63, Bharat states:

> The exemplary SearchPad 202 also provides a mechanism for the user to select
> a query and **a search service**, and ask for the query to be **sent to the search
> service**. In the example in FIG. 2(a), this mechanism is achieved by clicking on a
> respective one of the circular selectors that precedes the queries that the user is
> interested in. FIG. 2(a) shows "genetic code" 222 to be selected. Once a query is
> selected, the user clicks on the name of a search engine at the top 204 (for
> example, "AltaVista") and **SearchPad sends the query to the respective
> search engine**. The user can select more than one query. (Emphasis added).

10.   Since SearchPad sends queries to other services to find and provide answers, it

is associated with a different domain than a domain of the web page as is claimed.

Therefore Bharat teaches the previously amended claim limitations. In conclusion, upon

taking the broadest reasonable interpretation of the claims, the cited references teach

all of the claimed limitations. And the objections and rejections are maintained. See

below.

Specification

11.   The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: The specification does not contain any support for the claim

limitation, "operating the data mining code on the visitor computer to obtain web

browsing data." And the claim(s) contains subject matter which was not described in the

specification in such a way as to enable one skilled in the art to which it pertains, or with

which it is most nearly connected, to make and/or use the invention. See below

rejections.

Claim Rejections - 35 USC § 112

12.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

13.   Claims 1-8 and 14-17 are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application

was filed, had possession of the claimed invention.

14.   Claim 1 recites the limitation, "operating the data mining code on the visitor

computer to obtain web browsing data." This limitation is not mentioned in the

applicant's specification. In page 4 of the Appeal Brief filed on 25 May 2006, the

applicant alleges that this limitation is "described in Spec. page 2, lines 22-31."

However, the examiner can find no mention of "operating… data mining code" on page

2 of applicant's specification. In fact, all of the recitations of "data mining code" in the

claims seem to be referring to JavaScript code or cookie processing script. Page 2,

lines 22-31 of the specification as well as appendix A, which the applicant points to,

describes JavaScript code. The only mention of "data mining code" is on page 10, lines

7-12, but this does not provide the basis for the above-mentioned claim limitation. This

leads to the fact that the cookies processing script and the data mining code are one

and the same. And since there is no mention of "operating the data mining code on the

visitor computer to obtain web browsing data" in the applicant's specification only

"operating the cookie processing script on the web browsing data to obtain new cookie

values," the examiner treats these two limitations in the claims to be the same for the

purposes of examination.

15.   Claim 14 similarly recites "operating the data mining script on the client node."

Therefore it is rejected under the same rationale as claim 1. Claims 2-8 and 15-17 are

rejected based on their dependencies on claims 1 and 14.

16.   Claims 1-8 and 14-17 are also rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the enablement requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to enable one skilled in

the art to which it pertains, or with which it is most nearly connected, to make and/or use

the invention. See above response to arguments.

Claim Rejections - 35 USC § 102

17.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

18.   Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Wagner
(6,085,224).

19.   As per claim 1, Wagner teaches a method for tracking and reporting traffic
activity on a web site comprising the steps of: storing a web page on a first server
coupled to a wide area network, said web page having web page code and data mining
code including a cookie processing script; uploading the web page to a visitor computer
responsive to a request over the wide area network from the visitor computer (col. 1,
line 59-col. 2, line 53); operating the data mining code on the visitor computer to obtain
web browsing data; and operating the cookie processing script on the web browsing
data to obtain new cookie values (col. 3, lines 15-41); and storing a new cookie on the
visitor computer including the new cookie values (col. 2, lines 32-53).

20.   Claims 14 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by
Bharat (6,810,395).

21.   As per claim 14, Bharat teaches a method for analyzing activity on a web page of
a web site (col. 4, lines 50-64) comprising the steps of: embedding data mining script
within the web page; embedding cookie processing script, associated with a different
domain than a domain of the web page, within the web page (col. 5, line 8-25); sending
the web page to a client node (col. 9, lines 27-41); operating the data mining script on
the client node; operating the cookie processing script on the client node (col. 6, lines
41-50); and returning data to the different domain resulting from the operation steps
(col. 10, lines 27-32).

22.   As per claim 15, Bharat teaches a method, wherein the step of operating the

cookie processing script on the client node includes: reading a cookie value from the

client node (col. 3, lines 5-15); tracking events on the client node (col. 9, line 60-col. 10,

line 7); processing cookie value based on the tracked events to obtain a new cookie

value; and writing a new cookie value to the client node (col. 9, line 60-col. 10, line 19).

Claim Rejections - 35 USC § 103

23.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

24.   Claims 2 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wagner as applied to claim 1 above, and further in view of Pogue et al.

(6,112,240).

25.   As per claim 2, Wagner teaches the mentioned limitations of claim 1 above but

fails to teach a method, further comprising the step of receiving the new cookie values

at a second server. However, Pogue et al. teaches a method, further comprising the

step of receiving the new cookie values at a second server (see Pogue et al., col. 8,

lines 52-59). It would have been obvious to one having ordinary skill in the art at the

time of the invention to modify Wagner to a method, further comprising the step of

receiving the new cookie values at a second server in order to obtain client information

relating to a web page in a World Wide Web site by utilizing a tracker tag in the code of

the web page for initiating a client information tracking program (see Pogue et al., col. 2,

lines 12-26).

26.   As per claims 6-8, the above-mentioned motivation of claim 2 applies fully in order to combine Wagner and Pogue et al.

27.   As per claim 6, Wagner and Pogue et al. teach a method, wherein the step of generating a new cookie includes the step of operating the cookie processing script on an old cookie associated with the web page and previously stored on the visitor computer (see Pogue et al., col. 7, lines 11-22).

28.   As per claim 7, Wagner and Pogue et al. teach a method, further including the step of overwriting the old cookie with the new cookie (see Pogue et al., col. 7, lines 11-22).

29.   As per claim 8, Wagner and Pogue et al. teach a method, further including the steps of: detecting that an old cookie exists on the visitor computer associated with the web site; tracking events on the visitor computer; processing the old cookie using cookie processing code in view of the tracked events to obtain new cookie values; and replacing the old cookie values with the new cookie values (see Pogue et al., col. 6, line 52-col. 7, line 22).

30.   Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharat as applied to claim 14 above, and further in view of Pogue et al.

31.   As per claim 16, Bharat teaches the mentioned limitations of claim 14 above but fails to teach a method, wherein the step of returning data includes the steps of: embedding data within an image request associated with a designated URL source; and sending the image request to the URL source. However, Pogue et al. teaches a method, wherein the step of returning data includes the steps of: embedding data within

an image request associated with a designated URL source; and sending the image

request to the URL source (see Pogue et al., col. 7, lines 11-22). It would have been

obvious to one having ordinary skill in the art at the time of the invention to modify

Bharat to a method, wherein the step of returning data includes the steps of: embedding

data within an image request associated with a designated URL source; and sending

the image request to the URL source in order to ascertained if the web browser 302 is

still on, to records the time of each web page access, and also to obtain other

information regarding the client computer (see Pogue et al., col. 5, lines 55-67).

32.   As per claim 17, the above-mentioned motivation of claim 16 applies fully in order

to combine Bharat and Pogue et al. Bharat, Pogue et al., and de l'Etraz et al. teach a

method, further including the steps of: compiling the web browsing data into a web page

traffic report; and posting the report for viewing over the wide area network (see Pogue

et al., col. 4, lines 30-60).

33.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner

and Pogue et al. as applied to claims 1 and 2 above, and further in view of Davis et al.

(2002/0040395). Wagner and Pogue et al. teach the mentioned limitations of claims 1

and 2 above but fail to teach a method, further including the steps of: attaching the new

cookie values to an image request associated with a designated URL source associated

with the second server; and sending the image request to the URL source. However,

Davis et al. teaches a method, further including the steps of: attaching the new cookie

values to an image request associated with a designated URL source associated with

the second server; and sending the image request to the URL source (see Davis et al.,

¶ 46). It would have been obvious to one having ordinary skill in the art at the time of the

invention to modify Wagner and Pogue et al. to a method, further including the steps of:

attaching the new cookie values to an image request associated with a designated URL

source associated with the second server; and sending the image request to the URL

source in order to track the use and interaction of a user with a resource downloaded

from a server on a network by use of a tracking program embedded in the resource and

executable by a client (see Davis et al., ¶ 13).

34.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner,

Pogue et al., and Davis et al. as applied to claims 1-3 above, and further in view of

Shrader et al. (6,374,359). Wagner, Pogue et al., and Davis et al. teach the mentioned

limitations of claims 1-3 above but fail to teach a method, further including the step of

decoding the new cookie values to obtain the web browsing data. However, Shrader et

al. teaches a method, further including the step of decoding the new cookie values to

obtain the web browsing data (see Shrader et al., col. 2, lines 45-64). It would have

been obvious to one having ordinary skill in the art at the time of the invention to modify

Wagner, Pogue et al., and Davis et al. to a method, further including the step of

decoding the new cookie values to obtain the web browsing data in order to provide an

architecture for the dynamic use and validation of HTTP cookies for authentication by

an application running on a web server (see Shrader et al., col. 1, lines 62-65).

35.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner,

Pogue et al. and Davis et al. Wagner, Pogue et al. and Davis et al. teach a method,

further including the steps of: compiling the web browsing data into a web page traffic

report; and posting the report for viewing over the wide area network (see Pogue et al.,

col. 4, lines 30-60).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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08/11/2009

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